



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,

Plaintiff,

- against -

DARIUS DALE, et al.

Defendants.
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21-CV-3687 (ALC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the discovery deadline issue raised by Plaintiff Hedgeye at Dkt. 469, and further addressed by the parties at Dkts. 474, 475, 484, 488, 489, 490, and 492.

Hedgeye vastly exaggerates the extent of additional discovery that would be merited by any **grant** of the Defendants' motions to dismiss and by Defendants' counterclaims. Many of the topics or persons Hedgeye asserts would be warranted for additional discovery already have been the subject of discovery or were topics and persons for which Hedgeye was on notice and had the opportunity to pursue discovery.

That said, the Court agrees that discovery should not be deemed closed entirely prior to the pleadings being finalized and issue fully joined.

Accordingly, the Court orders as follows:

1. The fact discovery deadline of March 30, 2023 shall not be extended any further at this time.

2. Within ten days of the Court's decision on the pending motions to dismiss, the parties shall meet and confer and file a letter reporting on status and proposing next steps and deadlines. At that time, any party may seek leave to reopen discovery based on the outcome of the decision on the motions to dismiss and/or Defendants' counterclaims.

Good cause must be shown for any fact discovery sought that could have been sought prior to March 30, 2023 and for which the party was on notice through earlier pleadings, discovery responses, or correspondence.

3. The parties shall proceed at this time with expert discovery on Hedgeye's alleged trade secrets. All other expert discovery shall await resolution of the motions to dismiss and any additional fact discovery that may be permitted at that time.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 27, 2023
New York, New York

Copies transmitted this date to all counsel of record.